IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

Crl.MC.No. 3614 of 2007()

CMP.9673/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II NEYYATTINKARA

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PETITIONER: ACCUSED

M/S.MANJUSREE EXTRUSIONS LTD.
143,C-5,BOMMASANTHRA INDUSTRIAL AREA
HOUR ROAD, BANGLORE-560099,REPRESENTED BY
RAJAGOPAL,S/O. VISWANATHA PILLAI,
WARIATH HOUSE, THAIKATTUKARA PO, MUTTAM, ALUVA.

BY ADV. SRI.P.K.JOSE

RESPONDENTS: COMPLAINANT

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1. STATE REP BY SUB INSPECTOR OF
POLICE PARASALA.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 18/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3614 of 2007

Dated this the 18th day of December 2007

O R D E R

The petitioner was transporting a consignment of plastic bottles in a vehicle hired by him for such transportation. The vehicle was intercepted by the officials of the Motor Vehicles Department. Crime No.477/07 of Parassala police station has been registered. The short allegation is that the vehicle documents were forged. The consignment belonging to the petitioner carried in the vehicle as also the vehicle were seized. The petitioner applied for release of the consignment to the petitioner. By the impugned order (copy of which is produced as Annexure 2), the learned Magistrate has directed that the consignment be released to the petitioner. But there was a direction that the petitioner must execute a bond for Rs.50,000/- with two solvent sureties each for the like sum.

2. The petitioner has come to this court with a grievance that the petitioner has been unnecessarily directed to execute a bond with two solvent sureties. No offence whatsoever is even allegedly committed in respect of the consignment transported in the vehicle. Without any dispute for anyone, the consignment belongs to the petitioner. In these circumstances, it was not at

all necessary to insist that two sureties must join the petitioner for execution of the bond. It is prayed that the consignment may be released to the petitioner unconditionally.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor does not oppose the prayer of the petitioner. The learned Public Prosecutor categorically concedes that the consignment which was being transported is not in any way involved in the crime. No offence has been committed in respect of that consignment. The petitioner is the person entitled to possession of the consignment also.

4. I am satisfied, in the circumstances of the case that the consignment can be directed to be released to the petitioner on condition that he executes a bond for Rs.50,000/- without any sureties.

5. This Criminal Miscellaneous Case is accordingly allowed. The impugned order is modified. It is directed that the consignment shall be released to the petitioner on condition that the petitioner executes a bond for an amount of Rs.50,000/- (Rupees fifty thousand only) without any sureties.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007